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09400HB4186ham002

LRB094 14135 DRJ 55613 a

1 AMENDMENT TO HOUSE BILL 4186

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4186, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 1, line 5, by replacing "5 and 35.1" with "5, 25, and  
5 35.1"; and

6 on page 20, lines 23 and 24, by deleting "to be conducted at  
7 least annually"; and

8 on page 21, line 30, after "payments", by inserting "to  
9 caregivers"; and

10 on page 22, after line 26, by inserting the following:

11 "(20 ILCS 505/25) (from Ch. 23, par. 5025)

12 Sec. 25. Grants, gifts, or legacies; Putative Father  
13 Registry fees.

14 (a) To accept and hold in behalf of the State, if for the  
15 public interest, a grant, gift or legacy of money or property  
16 to the State of Illinois, to the Department, or to any  
17 institution or program of the Department made in trust for the  
18 maintenance or support of a resident of an institution of the  
19 Department, or for any other legitimate purpose connected with  
20 such institution or program. The Department shall cause each  
21 gift, grant or legacy to be kept as a distinct fund, and shall  
22 invest the same in the manner provided by the laws of this

1 State as the same now exist, or shall hereafter be enacted,  
2 relating to securities in which the deposit in savings banks  
3 may be invested. But the Department may, in its discretion,  
4 deposit in a proper trust company or savings bank, during the  
5 continuance of the trust, any fund so left in trust for the  
6 life of a person, and shall adopt rules and regulations  
7 governing the deposit, transfer, or withdrawal of such fund.  
8 The Department shall on the expiration of any trust as provided  
9 in any instrument creating the same, dispose of the fund  
10 thereby created in the manner provided in such instrument. The  
11 Department shall include in its required reports a statement  
12 showing what funds are so held by it and the condition thereof.  
13 Monies found on residents at the time of their admission, or  
14 accruing to them during their period of institutional care, and  
15 monies deposited with the superintendents by relatives,  
16 guardians or friends of residents for the special comfort and  
17 pleasure of such resident, shall remain in the custody of such  
18 superintendents who shall act as trustees for disbursement to,  
19 in behalf of, or for the benefit of such resident. All types of  
20 retirement and pension benefits from private and public sources  
21 may be paid directly to the superintendent of the institution  
22 where the person is a resident, for deposit to the resident's  
23 trust fund account.

24 (b) The Department shall hold all Putative Father Registry  
25 fees collected under Section 12.1 of the Adoption Act in a  
26 distinct fund for the Department's use in maintaining the  
27 Putative Father Registry. The Department shall invest the  
28 moneys in the fund in the same manner as moneys in the funds  
29 described in subsection (a) and shall include in its required  
30 reports a statement showing the condition of the fund.

31 (Source: P.A. 83-1362.)"; and

32 on page 39, lines 3 and 4, by replacing "Section 18.3" with  
33 "Sections 12.1 and 18.3"; and

1 on page 39, after line 4, by inserting the following:

2 "(750 ILCS 50/12.1)

3 Sec. 12.1. Putative Father Registry. The Department of  
4 Children and Family Services shall establish a Putative Father  
5 Registry for the purpose of determining the identity and  
6 location of a putative father of a minor child who is, or is  
7 expected to be, the subject of an adoption proceeding, in order  
8 to provide notice of such proceeding to the putative father.  
9 The Department of Children and Family Services shall establish  
10 rules and informational material necessary to implement the  
11 provisions of this Section. The Department shall have the  
12 authority to set reasonable fees for the use of the Registry.  
13 All such fees for the use of the Registry that are received by  
14 the Department or its agent shall be deposited into the fund  
15 authorized under subsection (b) of Section 25 of the Children  
16 and Family Services Act. The Department shall use the moneys in  
17 that fund for the purpose of maintaining the Registry.

18 (a) The Department shall maintain the following  
19 information in the Registry:

20 (1) With respect to the putative father:

21 (i) Name, including any other names by which the  
22 putative father may be known and that he may provide to  
23 the Registry;

24 (ii) Address at which he may be served with notice  
25 of a petition under this Act, including any change of  
26 address;

27 (iii) Social Security Number;

28 (iv) Date of birth; and

29 (v) If applicable, a certified copy of an order by  
30 a court of this State or of another state or territory  
31 of the United States adjudicating the putative father  
32 to be the father of the child.

1 (2) With respect to the mother of the child:

2 (i) Name, including all other names known to the  
3 putative father by which the mother may be known;

4 (ii) If known to the putative father, her last  
5 address;

6 (iii) Social Security Number; and

7 (iv) Date of birth.

8 (3) If known to the putative father, the name, gender,  
9 place of birth, and date of birth or anticipated date of  
10 birth of the child.

11 (4) The date that the Department received the putative  
12 father's registration.

13 (5) Other information as the Department may by rule  
14 determine necessary for the orderly administration of the  
15 Registry.

16 (b) A putative father may register with the Department  
17 before the birth of the child but shall register no later than  
18 30 days after the birth of the child. All registrations shall  
19 be in writing and signed by the putative father. No fee shall  
20 be charged for the initial registration. The Department shall  
21 have no independent obligation to gather the information to be  
22 maintained.

23 (c) An interested party, including persons intending to  
24 adopt a child, a child welfare agency with whom the mother has  
25 placed or has given written notice of her intention to place a  
26 child for adoption, the mother of the child, or an attorney  
27 representing an interested party may request that the  
28 Department search the Registry to determine whether a putative  
29 father is registered in relation to a child who is or may be  
30 the subject to an adoption petition.

31 (d) A search of the Registry may be proven by the  
32 production of a certified copy of the registration form, or by  
33 the certified statement of the administrator of the Registry  
34 that after a search, no registration of a putative father in

1 relation to a child who is or may be the subject of an adoption  
2 petition could be located.

3 (e) Except as otherwise provided, information contained  
4 within the Registry is confidential and shall not be published  
5 or open to public inspection.

6 (f) A person who knowingly or intentionally registers false  
7 information under this Section commits a Class B misdemeanor. A  
8 person who knowingly or intentionally releases confidential  
9 information in violation of this Section commits a Class B  
10 misdemeanor.

11 (g) Except as provided in subsections (b) or (c) of Section  
12 8 of this Act, a putative father who fails to register with the  
13 Putative Father Registry as provided in this Section is barred  
14 from thereafter bringing or maintaining any action to assert  
15 any interest in the child, unless he proves by clear and  
16 convincing evidence that:

17 (1) it was not possible for him to register within the  
18 period of time specified in subsection (b) of this Section;  
19 and

20 (2) his failure to register was through no fault of his  
21 own; and

22 (3) he registered within 10 days after it became  
23 possible for him to file.

24 A lack of knowledge of the pregnancy or birth is not an  
25 acceptable reason for failure to register.

26 (h) Except as provided in subsection (b) or (c) of Section  
27 8 of this Act, failure to timely register with the Putative  
28 Father Registry (i) shall be deemed to be a waiver and  
29 surrender of any right to notice of any hearing in any judicial  
30 proceeding for the adoption of the child, and the consent or  
31 surrender of that person to the adoption of the child is not  
32 required, and (ii) shall constitute an abandonment of the child  
33 and shall be prima facie evidence of sufficient grounds to  
34 support termination of such father's parental rights under this

1 Act.

2 (i) In any adoption proceeding pertaining to a child born  
3 out of wedlock, if there is no showing that a putative father  
4 has executed a consent or surrender or waived his rights  
5 regarding the proposed adoption, certification as specified in  
6 subsection (d) shall be filed with the court prior to entry of  
7 a final judgment order of adoption.

8 (j) The Registry shall not be used to notify a putative  
9 father who is the father of a child as a result of criminal  
10 sexual abuse or assault as defined under Article 12 of the  
11 Criminal Code of 1961.

12 (Source: P.A. 89-315, eff. 1-1-96; 90-15, eff. 6-13-97.)".